

04-29-05

2161  
EPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Ken Lang  
Application number: 10/010,393  
Filed: December 7, 2001  
For: *Fitness Enabling and Motivation Service*  
Attorney Docket No.: KLQ-001

Art Unit: 2161

Examiner: Nguyen, Marilyn P.

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 466146364 US, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date listed below.

Date: April 27, 2005

Signature:

(Christopher J. McKenna)

**AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION**

Dear Sir:

**INTRODUCTORY COMMENTS**

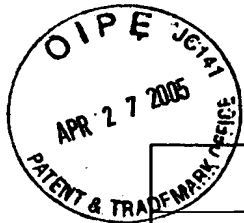
This Amendment and Response is filed responsive to the Non-Final Office Action mailed March 24, 2005. In view of the comments set forth below, Applicant submits that the pending claims are patentable and in condition for allowance.

**Amendments to the Drawings** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 10 of this paper.

An **Appendix** including replacement drawing figures is attached following page 21 of this paper.

**AMENDMENT TRANSMITTAL LETTER**Docket No.  
KLQ-001Application No.  
10/010393-Conf. #4473Filing Date  
December 7, 2001Examiner  
Marilyn P. NguyenArt Unit  
2161

Applicant(s): Ken LANG

Invention: FITNESS ENABLING AND MOTIVATING SERVICE

**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	54	- 54 =		x	
Independent Claims	7	- 7 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					0.00

☐ Large Entity☒ Small Entity☒ No additional fee is required for this amendment.☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate copy of this sheet is enclosed.☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-0080  
as described below. A duplicate copy of this sheet is enclosed.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.Christopher J. McKenna  
Attorney Reg. No.: 53,302

Dated: April 27, 2005

LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
(617) 227-7400

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